



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5635

by Rep. Frances Ann Hurley

#### SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/Art. 80 heading new
- 5 ILCS 430/80-5 new
- 5 ILCS 430/80-10 new

Amends the State Officials and Employees Ethics Act. Provides that a settlement or severance agreement entered into on or after the effective date of this amendatory Act of the 98th General Assembly by a public body and an employee of the public body is a public record. Prohibits a public body from entering into confidential settlement or severance agreements with its employees. Provides that if a public body enters into a confidential settlement or severance agreement, then the agreement is void and any moneys paid to an employee under that agreement shall be forfeited to the public body. Requires each settlement or severance agreement entered into by a public body to contain a provision authorizing public disclosure of the agreement in its entirety. Defines required terms.

LRB098 14307 JLK 49297 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is  
5 amended by adding the heading of Article 80 and Sections 80-5  
6 and 80-10 as follows:

7 (5 ILCS 430/Art. 80 heading new)

8 ARTICLE 80

9 PROHIBITION OF CONFIDENTIAL AGREEMENTS

10 (5 ILCS 430/80-5 new)

11 Sec. 80-5. Definitions. As used in this Section:

12 "Confidential settlement agreement" means a settlement  
13 agreement that contains provisions limiting the circumstances  
14 under which the terms of that agreement may be disclosed.

15 "Confidential severance agreement" means a severance  
16 agreement that contains provisions limiting the circumstances  
17 under which the terms of that agreement may be disclosed.

18 "Public body" shall have the meaning provided in subsection  
19 (a) of Section 2 of the Freedom of Information Act.

20 "Public record" shall have the meaning provided in  
21 subsection (c) of Section 2 of the Freedom of Information Act.

22 "Settlement agreement" means any arrangement for the

1 adjudication or release of a civil claim established by an  
2 agreement between some or all of the parties to the claim.

3 "Severance agreement" means an agreement between a public  
4 body and an employee of that public body related to the  
5 employee's resignation or termination of employment with the  
6 public body in exchange for payment or the release of claims by  
7 the public body for reasons other than the employee's death,  
8 disability, or retirement.

9 (5 ILCS 430/80-10 new)

10 Sec. 80-10. Prohibition of confidential agreements.

11 (a) A settlement agreement entered into between a public  
12 body and an employee of that public body that is funded in  
13 whole or in part using public moneys or that releases a claim  
14 against a public body is a public record.

15 (1) No public body may enter into a confidential  
16 settlement agreement with an employee. A confidential  
17 settlement agreement entered into by a public body with an  
18 employee is void and any moneys paid to an employee under  
19 such an agreement shall be forfeited to the public body.

20 (2) Each settlement agreement entered into by a public  
21 body shall contain a provision authorizing public  
22 disclosure of that agreement in its entirety, except when  
23 necessary to protect a trade secret, proprietary  
24 information, or other information exempt from disclosure  
25 under Section 7 of the Freedom of Information Act.

1       (b) A severance agreement entered into between a public  
2 body and an employee of that public body that is funded in  
3 whole or in part using public moneys or that releases a claim  
4 against a public body is a public record.

5           (1) No public body may enter into a confidential  
6 severance agreement with an employee. A confidential  
7 severance agreement entered into by a public body with an  
8 employee is void and any moneys paid to an employee under  
9 such an agreement shall be forfeited to the public body.

10           (2) Each severance agreement entered into by a public  
11 body shall contain a provision authorizing public  
12 disclosure of that agreement in its entirety, except when  
13 necessary to protect a trade secret, proprietary  
14 information, or other information exempt from disclosure  
15 under Section 7 of the Freedom of Information Act.

16       (c) This Section shall apply to agreements entered into on  
17 and after the effective date of this amendatory Act of the 98th  
18 General Assembly.